

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GERALD HERRELL,

Petitioner,

v.

Case No. 97-80105-1
Hon. Bernard A. Friedman

UNITED STATES OF AMERICA,

Respondent.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on Magistrate Judge Steven D. Pepe's Report and Recommendation dated April 11, 2005. No objections were filed.

This Court has had an opportunity to fully review this matter and believes that the Magistrate Judge has reached the correct conclusions for the proper reasons.

ACCORDINGLY:

IT IS HEREBY ORDERED that Magistrate Judge Steven D. Pepe's Report and Recommendation dated April 11, 2005, is hereby accepted and adopted.

IT IS FURTHER ORDERED that petitioner's motion to vacate, set aside or correct his sentence is denied.

May 31, 2005

Detroit, Michigan

s/Bernard A. Friedman

BERNARD A. FRIEDMAN
CHIEF JUDGE

**I hereby certify that a copy of the foregoing document
was served this date upon counsel of record
electronically and/or via first-class mail.**

/s/ Patricia Foster Hommel

**Patricia Foster Hommel
Secretary to Chief Judge Friedman**